

The 30th October, 1975

No. 12378-4Lab-75/32489.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s The Chairman, Minor Irrigation (Tubewell) Corporation Ltd., Haryana, Chandigarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 74 of 1971

between

The workmen and the management of M/s The Chairman, Minor Irrigation (Tubewell) Corporation Ltd., Haryana, Chandigarh.

AWARD

By order No. ID/20661 dated 8th July, 1971 the Governor of Haryana, referred the following dispute between the management of M/s The Chairman, Minor Irrigation (Tubewell) Corporation Ltd., Haryana, Chandigarh and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

- (1) Whether the grade of tubewell operators should be revised ? If so, with what details ?
- (2) Whether the post of higher grade should be filled by promotion from amongst the tubewell operators ? If so, what should be the procedure for the same ?
- (3) Whether all the Tubewell Operators who have completed 3 to 5 years service without any break, should be confirmed ? If so, with what details ?

The dispute as referred to this Tribunal arose out of the demands raised by the workmen, vide notice of demands, dated 18th May, 1970 on the management wherein they specifically demanded a grade in the scale of Rs 90—3—120 as admissible to operators of the Public Health Department, commonly known as Pump Drivers. They stated that the scale of Rs 41—1—65 as being allowed to them was illegal and worked hardship on them.

The parties appeared before this Tribunal in response to the notice of reference and filed their pleadings, which gave rise to the following issues framed, vide order dated 17th May, 1972 of my learned predecessor Shri O.P. Sharma, the then Presiding Officer, Industrial Tribunal, Haryana.

- Issues—(1) Whether Shri Sain Dass who had given the demand notice leading to the present reference has no authority to represent the concerned workmen ?
- (2) Whether the grade of tubewell operators should be revised ? If so, with what details ?
 - (3) Whether the post of higher grade should be filled by promotion from amongst the tubewell operators ? If so, what should be the procedure for the same ?
 - (4) Whether all the Tubewell Operators who have completed 3 to 5 years service without any break, should be confirmed ? If so, with what details ?

On consideration of the evidence led by the parties, Shri Om Parkash Sharma, vide his award dated 23rd February, 1973 held that the workmen were entitled to the grade of their wages in the scale of Rs 110—4—130/5—160/5—225 as admissible to clerks and that at least 50 per cent of the promotion to the higher grade should be made from amongst the Tubewell Operators having regard to their *inter se* seniority. He held on issue No. 3 that 75 per cent of the Tubewell Operators should be confirmed by the end of March, 1973 and the remaining 25 per cent by 31st March, 1974 having regard to their *inter se* seniority.

The Hon'ble the High Court, vide order dated 30th August, 1973 made on a civil writ petition No. 1416 of 1973 by the management, set aside the award and sent back the case to the Tribunal for a afresh decision in accordance with law and the observations made in the judgement.

The High Court on consideration of the case law submitted by the parties held that the Industrial Tribunal acted beyond the scope of its authority in granting to the workmen grades in excess of what were claimed by them, vide notice of demands and that the Tribunal could not make a rule, in respect of the promotion of the workmen to higher post and that it could only examine the rules framed by the management in that connection and vary the same on scrutiny, if these were found to be unfair or unreasonable and that the findings of the Tribunal that 50 per cent of the higher post should be filled in from amongst the Tubewell Operators was erroneous. The High Court further held that the Tribunal omitted an important term of the agreement arrived at between the parties, in respect of the minimum requirement of the work-charged staff by the management, while enforcing the agreement and that the settlement could either be given effect to as a whole or not at all.

The parties further led evidence, after the case had been remanded by the High Court with the afore-said observations and is now complete for a re-decision on merits. The parties relied on the written arguments already filed by them. I now propose to decide the issue as under :—

Issue No. 1. The plea leading to the framing of this issue was not pressed by the management either before the Tribunal or by the High Court. It is not being pressed even before me and I as such decide this issue against the management.

Issue No. 2.—It had to be conceded before me by Shri Madhu Sudan Saran Cowshish authorised representative for the workmen that in view of the observation of the Hon'ble High Court in judgement, dated 30th August, 1973, the workmen could not be granted grades over and above what they actually claimed, vide notice of demands. It is thus clear that the maximum grade that can be allowed to them would be in the scale of Rs 90-3-120 as claimed by them in the notice of demands, dated 18th May, 1970. The only question requiring determination would be in respect of actual admissibility of grades to the workmen.

There is not an iota of evidence for the workmen on record either in respect of the financial capacity of the management to bear the proposed increase or the wage scales prevailing in comparable concern, held as an important criterion by the Hon'ble High Court in their judgement. A bare oral statement made by Shri Ram Narain Sharma, President, Haryana Tubewell Operators and Mechanical Workers Union Karnal W.W.-1 and Shri Darshan Singh one of the concerned workmen W.W. 2, that the workmen were entitled to the grades and pay scales as admissible to the clerks can not be held sufficient for establishing their case even in respect of the claim made by the workmen in the notice of demands. There is, however, one piece of evidence in favour of the workmen entitling them to grades higher than what were being actually allowed to them on the date of service of notice of demands. For instance Ex. M.W. 2/2 is a copy of the notification, dated 7th of July, 1969 of the Governor of Haryana published in Haryana Government Gazette dated 22nd July, 1969 providing for the grades of Tubewell operators of the Public Works Department, (i) Irrigation (ii) Building and Roads, (iii) Public Health, in the scale of Rs 80-2-90-3-120, with effect from 1st February, 1969, in modification of their then existing grades in the scale of Rs 45-1-65. Even Shri M. K. Gulati Executive Engineer, Tubewell Division No. 1 Karnal while stating that the financial position of the Corporation was unsound and did not admit of any increase in the grades of Tubewell Operators, admitted, vide his statement dated 9th January, 1973 that the pay scales of Tubewell Operators were revised by the Government with effect from 1st February, 1969 while raising the same to Rs 80-2-90-3-120. It would thus appear that there is an important evidence on record in the form of the admission of the respondent themselves, in respect of one of the criterion held as essential for determining the wage scale of the workmen by the Hon'ble High Court, relating to the prevailing wage scale in comparable concern. I, therefore, relying on this evidence hold that the workman should be granted grade in scale of Rs 80-2-90-3-120 with effect from 18th May, 1970 the date of notice of demands besides other benefits and allowances legally admissible to them.

Issue No. 3.—The Hon'ble High Court has already held the dispute covered by this issue as vague, vide the judgement dated 30th August, 1973 with the findings that no particular of the higher post to which promotion was sought were mentioned in the notice of demands. The High Court further observed that no workmen could be promoted to a higher post if he did not possess the essential qualification prescribed for that post and it was for the management to frame the rule, relating to the promotion and not for the Tribunal to do so. The matters under reference thus stand clinched by the judgement of the High Court and the only relief that can be granted to the workmen in this connection would be to direct the management to consider the cases of such workmen for promotion to the higher job, who otherwise well qualify themselves for the job and possess the essential qualification prescribed for the same, under rules I thus hold that the workmen in the instant case would be given preference in the recruitment to the higher post in case they were eligible for the same and that they would be selected in the order of their seniority or such like direction found to be just and reasonable.

Issue No. 4. There is no evidence or rule on record for the workmen entitling them to confirmation on completion of 3 to 5 years service. The circular letter dated 20th November, 1961 of the Punjab Government Ex. H.W. 2/2 relied on by the workmen relates to the procedure considered proper for converting temporary post into permanent one and not to confirmation of particular class of employees and as such can not be taken as a guide for deciding the question involved in this issue.

The matter in dispute covered by this issue however stands also concluded vide, judgement of the High Court, dated 30th August, 1973, and the statement of Shri M.K. Gulati, Executive Engineer, dated 13th January, 1975 that the circular Ex. M.W. 1/5 had been received in respect of the decision taken in the meeting of the workers and the Managing Director regarding the regularisation of service of the workmen whereby 50 per cent of the minimum requirement of the work-charged staff of various categories had to be regularised by 31st March, 1972 and 25 per cent of the same by 31st March, 1973 and the remaining 25 per cent by 31st March, 1974. He added that only 348 Tubewell Operators had been worked out as the strength of the minimum requirement.

The High Court has held that either this agreement should be enforced as a whole or not at all. I, therefore, relying on the statement of Shri Gulati and the observations of the High Court hold that the agreement should be enforced as a whole in the manner as stated above. I decide the issue accordingly.

As a result of my findings on the aforesaid issues I hold that the workmen (Tubewell Operators) should be granted grades in the scale of Rs 80-2-90-3-120 with effect from 18th May, 1970 and that 50 per cent of the strength of 348 considered as the minimum requirements should be regularised by 31st March, 1972, the other 25 per cent by 31st March, 1973 and the remaining 25 per cent by 31st March, 1974. I further hold that the management shall give preference to the Tubewell Operators in order of their seniority in the recruitment to higher post in case they were otherwise eligible for the same. I return the award accordingly.

Dated the 21st October, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1657, dated 21st October, 1975.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 21st October, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 31st October, 1975

No. 12380-4Lab-75/32495.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Bitoni Lamps, Plot No. 48, Sector 6, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
FARIDABAD

Reference No. 69 of 1973

between

SHRI SABAR JEET WORKMAN AND THE MANAGEMENT OF M/s BITONI LAMPS PLOT No. 48,
SECTOR 6, FARIDABAD

AWARD

By order No. ID/FD/73/19292, dated 7th June, 1973 the Governor of Haryana, referred the following dispute between the management of M/s Bitoni Lamps, Plot No. 48, Sector 6, Faridabad and its workman Shri Sabar Jeet to Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Sabar Jeet was justified and in order? If not, to what relief is he entitled?”

Usual notices of the reference being sent to the parties for their appearance in this Tribunal on 10th October, 1975. None of them put in their appearance on the date fixed despite being personally served. The non-appearance of the workman on the date fixed despite service of notice indicates that he is not interested in pursuing the demand raised by him on the management. I, therefore, hold that there is now no dispute between the parties requiring adjudication. I return a no dispute award.

MOHAN LAL JAIN,

Dated 20th October, 1975.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 21st October, 1975

No. 11684-4Lab-75/31824.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Act No XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Kirloskar Oil Engines Ltd., Mathura Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No 71 to 1974

between

SHRI S. C. SETHI WORKMAN AND THE MANAGEMENT OF M/s KIRLOSKAR OIL
ENGINES LTD., MATHURA ROAD FARIDABAD

ORDER

I am called upon to answer an important question involved in this reference and a large number of other references pending in this Tribunal and in the Labour Court presided over by me as to whether it is essential for a

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workman to raise a demand on the management and for the later to reject it, in order to create an industrial dispute and to validate a reference of such dispute to the Labour Court or the Industrial Tribunal. This matter has assumed importance as a result of controversy between the different High Courts on the meaning import and interpretation of the decision of the Supreme Court in 1968-LLJ-Vol-I-page 834 between Sindhu Resettlement Corporation Ltd., and Industrial Tribunal, Gujarat and others. Whereas Hon'ble the Delhi High Court held in Fedders Lloyd Corporation (P) Ltd. *Versus* Lt.-Governor, Delhi, AIR-1970-Delhi-60, while interpreting the Supreme Court Authorities, that a demand by the workman must be raised first on the management and rejected by them before an industrial dispute can be said to arise and exist and that the making of such demand to the Conciliation Officer and its communication by him to the management who rejected the same was not sufficient to constitute an industrial dispute, the Rajasthan, Patna and Gauhati High Courts expressly observed that where the workman had claimed right from the beginning the relief of reinstatement and the employer controverted the validity of such relief firstly before the Labour Officer and thereafter before the Labour Court and resigned in that stand, it was quite evident that there was a dispute between the parties.

I had had the advantage of hearing the learned authorised representatives for the parties in this case and some others on the subject and have carefully considered the question with reference to the case law cited at the bar and the provision of the Industrial Disputes Act and the rules framed thereunder.

An industrial dispute has been defined in section 2(k) of the Industrial Disputes Act, hereinafter referred to as the Act as under :—

Section 2(k)

“‘industrial dispute’ means any dispute or difference between employers and employees or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person;”

Section 10(1) (C & D) of the Act lays down as under :—

Section 10(1)

Reference of disputes to Boards, Courts or Tribunals :—

- (1) Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time, by order in writing:—
- (c) refer the dispute or any matter appearing to be connected with or relevant to, the dispute, if it relates to any matter specified in the Second Schedule, to a Labour Court for adjudication ; or
- (d) refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, whether it relates to any matter specified in the Second Schedule or the Third Schedule to a Tribunal for adjudication ;

It would appear from the plain reading of the definition of an industrial dispute as given in the Act and the provision of section 10 (1) of the Act that the appropriate Government is entitled at any time to refer a dispute for adjudication to the Labour Court or the Industrial Tribunal whenever it is of the opinion that such a dispute exists or is apprehended. There is no express provision in the Act laying down that a demand must be raised on the management and rejected by them before an industrial dispute can be said to exist.

The question came up for consideration for the first time before their Lordship of the Supreme Court in Supreme Court Labour Judgement (1950 to 1957), Vol. IV, page 2260, between the State of Madras and C. P. Sarathy and it was observed as under :

“It is desirable that the Government should, wherever possible, indicate the nature of the dispute in the order of reference. But it must be remembered that in making a reference under section 10(1) of the Act the Government is doing an administrative Act and the fact that it has to form an opinion as to the factual existence of an industrial dispute as a preliminary step to the discharge of its function does not make it any the less administrative in character. The Court cannot, therefore, canvass the order of reference closely to see if there was any material before the Government to support its conclusion, as if it was a judicial or quasi-judicial determination. No doubt, it will be open to a party seeking to impugn the resulting award to show what was referred by Government was not an industrial dispute within the meaning of the Act, and that, therefore, the tribunal had no jurisdiction to make the award. But if the dispute was an industrial dispute as defined in the Act the factual existence and the expediency of making a reference in the circumstances of a particular case are matters entirely for the Government to decide upon and it will not be competent for the Court to hold the reference bad and quash the proceedings for want of jurisdiction merely because there was, in its opinion, no material before the Government on which it could have come to an affirmative conclusion on those matters.”

After having carefully read the authority I find that even though there was actually no dispute between the management and their employees of some of the Theatres, yet on a reference made to the Industrial tribunal for adjudication in respect of dispute arising between the management and the employees of the other Cinemas, it was held that the reference could not be said to be bad in law even in respect of theatres wherein there was no dispute between the management and their employees, in as much as even if such dispute had not actually arisen any particular establishment they could having regard to their collective nature well be apprehended as imminent in respect of that establishment also.

1968-LLJ-1 between Sindhu Resettlement Corporation Ltd., and Industrial Tribunal Gujarat and others so strongly relied on by the learned authorised representatives for the management arose out of a case where the workman had raised a demand on the management quite inconsistent with and contradictory in nature to the demand made by him before the Conciliation Officer. For instance whereas he raised a demand in respect of award of retrenchment compensation on the management, he demanded his reinstatement before the Conciliation Officer. Their Lordships held in view of aforesaid inconsistency that no industrial dispute in respect of the reinstatement of the workman could be said to have arisen in view of the demand of retrenchment compensation made by him on the management. It was under these circumstances that even while approving the correctness of the view of law taken in State of Madras *versus* C.P. Sarathy's case, that the Court could not examine whether the Government informing its opinion in respect of existence of industrial dispute came to its view correctly or incorrectly on the material before it, it was held that mere demand to Government without a dispute being raised by the workman with the employer can not become an industrial dispute.

The next case in point of time of the Supreme Court between Pardeep Lamp Patna and workmen of Pardeep Lamp Patna and others is reported in 1971-LLJ-507 wherein a demand raised directly before the Conciliation Officer by the workmen with a copy to the management was held to be sufficient to constitute an industrial dispute and it was observed that the management could not be heard to say that they had no previous knowledge of the dispute when they had been called by the Conciliation Officer to appear before him time and again and they declined to do so on the ground that the dispute was agitated by an unrecognised union. It would thus appear that the failure of the workmen to raise a demand directly on the management before approaching the Conciliation Officer was not taken as a ground for holding that the demand raised by them before the Conciliation Officer directly did not constitute an industrial dispute. It thus seems crystal clear that the view of law adopted by the Hon'ble Supreme Court on interpretation of definition of the term industrial dispute as given in the Act and the provision of section 10(1) of the Act has consistently been in support of the proposition that it was not necessary for the workman to raise demand first on the management and for the later to reject it before an industrial dispute could be said to arise. The proposition of law laid by the Supreme Court on the other hand has been that factual existence and the expediency of making reference in the circumstances of the particular case, were the matter entirely for the Government to decide upon and it was not competent for the Labour Court or the Industrial Tribunal to hold the reference back and quash the proceedings for want of jurisdiction, merely because there was in its opinion no material for the Government on which it could have come to an affirmative conclusion on this matter. It is also manifest that Sindhu Resettlement Corporation *versus* Industrial Tribunal, Gujarat was decided on its peculiar facts relating to the inconsistency of the demand raised by the workman directly on the management and the one before the Conciliation Officer and cannot be made applicable to cases where there is absence of direct demand on the management. It is noticeable even at the cost of repetition that even in this case the correctness of the view of law taken in C.P. Sarathy's case was fully approved.

The Division Bench of the Guhati High Court in 1975—Labour Industrial Cases—1065 between Animesh Chandra Dutta Roy and the Labour Court, Tripura while replying on the observation of the Patna High Court made in AIR—1970 Patna 295, the management of Radio Foundation Engineering Ltd; *versus* State of Bihar and that of the Rajasthan High Court in AIR—1969 Rajasthan—95, *Goodyear India Ltd., versus* Industrial Tribunal disapproved of the interpretation made by the Delhi High Court in *Fedder Lloyds Corporation versus* Lt. Governor Delhi to the contrary of the Judgement of the Hon'ble Supreme Court in *Sindhu Resettlement Corporation case* and held as under :—

“What given authority to the Government to make a reference to Labour Court is “that any industrial dispute exists or is apprehended” and so once a reference is made by the Government it will have to be presumed that the Government had applied its mind to that aspect of the matter.”
AIR 1953 SC 53, Rel. on.

Where the workman has claimed right from the beginning the relief of reinstatement and back wages and where the employer controverted the validity of the reliefs claimed by the workman firstly before Chief Labour Officer and thereafter before the Labour Court and since the workman is persisting in that stand it is quite evident that there was a dispute between the parties.”

It would be proper to state *in extenso* the view expressed by the Rajasthan High Court on the point involved, as under :—

“Now I shall proceed to consider the fifth point raised before me viz. that the order of reference is invalid as in making it Government did not conform to the rules of natural justice. What was urged was that Government did not issue notice to the petitioners or hear them before

referring the dispute to the Tribunal, I am not aware of any law or rule that even where any judicial function is not involved an authority should give notice or hear both sides to a controversy before it takes action sanctioned by law. As far as I understand the position, it is a pure executive or administrative act of Government to refer an industrial dispute to a tribunal appointed by them. In my view there is no substance in this contention.

Similarly, in *Radhakrishna Mills versus State of Madras* (1956-I-LLJ-221) (vide supra), it has been held that failure to give notice of reference to the management does not vitiate the exercise of the statutory power vested in S. 10(1).

In *B.N. Illas & Company (Private) Ltd., and other Versus G.P. Mukherjee and others* (A.I.R. 1958 Cal. 339) while holding that the Government is not bound to give notice to the parties or to hear them, it has been observed:

"It is now well-settled that the order of reference under S.10 (1) of the Industrial Disputes Act is an administrative act and that the expediency of making a reference is a matter entirely for the Government to decide: See *State of Madras versus C.P. Sarathy* 1958-I-LLJ 174). The Government is not bound to give notice to the parties or to hear them before making the order of reference."

The Delhi High Court while relying on *Sindhu Resettlement Corporation* case, however, took a different view in AIR-1970-Delhi-60 with the observations.

"Demand" by workman must be raised first on the management and rejected by them before Industrial dispute can be said to arise and exist. Making of such demand to the Conciliation Officer and its communication to him by the management who reject the same is not sufficient to constitute industrial dispute".

I thus prefer to adopt the reasoning of the Rajasthan, the Patna and the Guahati High Courts on the interpretation meaning and import of the judgment of the Hon'ble Supreme Court in *Sindhu Resettlement Corporation* case. Even assuming the interpretation of the Delhi High Court of the *Sindhu Resettlement Corporation* case as correct, the Supreme Court authorities made in *C.P. Sarathy's* case and *Pardeep Lamp Works Patna Vs. workman of Pardeep Lamp* case cannot be said to have been over-ruled or differed from either expressly or by implication. The view of the law as stated in *C.P. Sarathy's* case that it would not be competent for the Court to hold the reference bad for want of jurisdiction merely because there was in its opinion no material before the Government on which it could have come to an affirmative conclusion, is found held as correct in *Sindhu Resettlement Corporation* case.

I was taken through some of the provisions of the act by Shri R.N. Roy authorised representative for the workman in support of his contention that the direct demand on the management by the workmen and its rejection by the former was not essential to constitute an industrial dispute. It has thus become necessary to consider the scheme of Act in order to judge the correctness or otherwise of the stand taken by each party.

Section 10(5) of the Act provides for a authority in appropriate Government to include in a reference relating to any establishment, any other establishment, group or clause of establishment of a similar nature, which in its opinion are likely to be interested in or affected by such dispute. Section 33-A of the Act refers to a complaint made in writing by an employee against the employer contravening the provision of section 33 and for its adjudication by the Labour Court or the Tribunal as if it were a dispute referred to or pending before it and for submission of its award to the appropriate Government.

It would appear that neither under section 10(5) nor under section 33-A the raising of the demand by the workman directly on the management and its rejection by the later was considered as a "Sin Quanon" by the legislature for the validity of the reference of an industrial dispute. The complaint directly made under section 33-A or an establishment directly impleaded under section 10(5) on the other hand was held sufficient for adjudication by the Tribunal of an Industrial dispute without direct demand by the workman on the management.

None of the provision of section 12 of the Act relating to the duties of the Conciliation Officer makes it obligatory on the workman to raise a demand directly on the management and its rejection by the later for constituting an industrial dispute. It has on the other hand been provided that the Conciliation Officer may hold conciliation proceedings where an industrial dispute exists or is apprehended and shall investigate such a dispute for coming to a fair and amicable settlement thereof and shall submit his report to the appropriate Government irrespective of the fact whether a settlement is arrived at or not. Section 12(5) relates to the competency of the appropriate Government for reference of the dispute for adjudication to the Tribunal in case no settlement is arrived at between the parties before the Conciliation Officer. The report of the Conciliation Officer has been taken as the Sole Criterion for the satisfaction of the Government if there is a case for reference to the Tribunal without a mention even obliquely of the necessity of a direct demand by the workman on the management and its rejection by the later.

Section 12(1) again provides that the Conciliation Officer shall hold conciliation proceedings where the industrial dispute relates to the public utility services and a notice under section 22 of the Act has been given in form 'L'. Rule 70(1) of the rules framed under section 38 of the Act relates to the form of notice required to be served by the workman on the management in case of a public utility service. Rule 70(2) provides for an intimation

by the employer to the Conciliation Officer of such a notice. There is no provision either in the Act or in the rules framed under section 38 of the Act in respect of the necessity of rejection of the demand by the management, even in case of reference relating to the public utility service. The conclusion that under the circumstances arises from the scheme of the Act is that the legislature never consider it essential for the workman to raise a demand on the management directly and its rejection by the later for constituting an industrial dispute.

Section 10(2) of the Act relates to a joint application by the parties to an industrial dispute to a appropriate Government for a reference of the dispute to the Labour Court or the Tribunal with a statement in respect of the efforts made by the parties themselves to adjust the dispute, under rule 3 of the rules framed under section 38 of the Act. Such a provision in no way warrants a conclusion as stressed by the authorised representative for the management that a direct demand by the workman on the management and its rejection by the later are necessary to constitute an industrial dispute. Above all this provision is only in respect of application made jointly by the parties to the appropriate Government for a reference and does not relate to the reference made under section 10(1) of the Act, which does not provide for such an application and leaves it entirely to the discretion of the appropriate Government to make a reference or not in respect of an industrial dispute, without an authority to the Labour Court or the Tribunal to assail that opinion on the ground that no industrial dispute exists.

Considered from any angle I am clear in my mind about the correctness of the contention of learned authorised representative for the workman, I therefore, hold that the factual existence and the expediency of making a reference in the circumstances of a particular case are matters entirely for the Government to decide upon and it will not be competent for the Court to hold the reference bad and quash the proceedings for want of jurisdiction merely because there was in its opinion no material before the Government on which it could have come to an affirmative conclusion on those matters.

Dated 10th October, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 30th October, 1975

No. 12768-4Lab-75/32491.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Chopra Motors (P) Ltd., Murthal Adda G.T. Road.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 58 of 1970

between

SHRI CHANDER SEKHAR PATHAK, WORKMAN AND THE MANAGEMENT OF M/s. CHOPRA
MOTORS (P) LTD., MURTHAL ADDA G.T. ROAD

AWARD

By order No. ID/RK/155-C/7355, dated 11th March, 1970 of the Governor of Haryana, referred the following dispute between the management of M/s. Chopra Motors (P) Ltd., Murthal Adda G.T. Road and its workman Shri Chander Sekhar Pathak to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Chander Sekhar Pathak was justified and in order. If not, to what relief is he entitled?

The parties appeared before this Tribunal in response to the notices of the reference sent to them and filed their pleadings. The workman alleged,—*vide* the statement of claim filed by him that his services as a Watchman had been illegally terminated with effect from 22nd October, 1969 on a false charge of misconduct that he had allowed Shri Rajinder Jha his brother-in-law, admission in the premises of the factory against the orders of the management. The management,—*vide* written statement filed by them while admitting that they had terminated the services of the workman on a charge of misconduct pleaded that the reference made by the Haryana Government was bad in law, in as much as they (respondent) had their Head Office at Calcutta and they had been engaged in the construction of the factory at Murthal in District Sonapat under the instruction of the Head Office. They stated that all the watchmen and the employees including Chander Sekhar Pathak workman in the office established at Murthal for construction of the factory were under the complete administration and control of the Head Office at Calcutta. On merits they gave out that on 22nd October, 1969 the workman

permitted Shri Rajinder Jha to enter the factory premises at about 9-30 P.M. and instigated the later to shout and abuse the Works Manager and supplied him with an iron shod and that on 23rd October, 1969 both of them fought with other watchman on duty insulted and belavoured them. According to the management the services of the workman were terminated on the ground of his having committed the misconduct in the manner as stated above.

The workman while controverting the pleas of the respondent,--*vide* rejoinder filed by them, set up a case that he had been employed as a Watchman in the factory at Murthal against a permanent post, afresh, after his services had been terminated at Calcutta by the Calcutta Head Office and that the Haryana Government had the jurisdiction to make the reference. He denied having committed any misconduct in the manner as alleged by the respondent and avered that the plea in respect of the unmaintainability of the reference made by the Haryana Government was barred on principles of res-judicata and that he had not been dismissed by the authority competent to do so.

The following issues were framed on pleas of the parties,--*vide* order dated 11th May, 1973 by Shri O. P. Sharma, my learned predecessor, the then Presiding Officer of the Industrial Tribunal, Haryana.

- (1) Whether the appropriate Government is the West Bengal Government and not the Haryana State Government and, therefore, the present reference is bad in law and without jurisdiction? (on management).
- (2) Whether the above plea is barred by the rule of res-judicate? (on workman)
- (3) Whether the workman was not dismissed by a person competent to dismiss him? If so, with what effect? (on workman)
- (4) Whether the termination of services of Chander Sekhar Pathak was justified and in order? If not, to what relief is he entitled?
- (5) Whether the workman has not been gainfully employed after the termination of his services and, therefore, he is entitled to full back wages? (on workman)

I have heard the authorised representative for the management. Neither the workman nor his authorised representative being present on 13th October, 1975 despite being directed to do so and address arguments. I had not the advantage of hearing any of them, on the aforesaid issues, with reference to the evidence led by the parties. I decide the issues as under :—

Issue No. 1

The management in order to prove this issue examined Shri S.S. Kohli Works Manager M.W. 1 besides Shri L. N. Chopra their Managing Director. Each one of the witnesses deposed on solemn affirmation that the Head Office of the company being at Calcutta, no manufacturing of bus coaches had yet started at Murthal where only a skelton office consisting of Security Office. Some watchmen and a Works Manager had been maintained only for construction work of the factory. He further gave out that Shri Chander Sekhar had been initially employed by the Head Office at Calcutta and was transferred to Sonapat subsequently. Shri Chander Sekhar, the workman, appearing as his own witness as W.W. 1 admitted that the management was constructing a factory at Sonapat and no manufacturing work had yet begun. While admitting that he had initially been employed at Calcutta, he gave out that his services had been terminated there and that he had been appointed afresh as a watchman at Sonapat in the year 1967 by one Shri Hazara Singh, the then Factory Manager, orally, without any orders in writing. He did not examine Shri Hazara Singh nor gave any explanation for his failure to produce such an important witness in corroboration of his case. I thus raised a presumption that the case now put forth by the workman in respect of his being employed by Hazara Singh is incorrect, and that he had been initially appointed by Calcutta Head Office and transferred to Sonapat as a Watchman.

I am thus satisfied on facts, that the management has its head office at Calcutta and they intend starting a factory of manufacturing bus coaches at Sonapat and the construction of the factory premises being not yet complete, no manufacturing work has yet started at Sonapat. I further hold while relying on testimony of Shri S. S. Kohli and Shri L. N. Chopra that the workman Shri Chander Sekhar was employed at Calcutta and subsequently transferred to Sonapat.

Having made findings of fact as stated above, it is necessary to determine the appropriate Government entitled to make the reference. They term "appropriate Government" has been defined,--*vide* section 2 (a) of the Industrial Disputes Act hereinafter referred to as the act, in relation to any industrial dispute, concerning any industry, other than thus mentioned under sub-clause (i) thereof as the State Government.

Industry has been defined in section 2(j) of the Act as under :—

Section 2 (j)—

"Industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft or industrial occupation or avocation of workmen.

It would thus appear that the construction of the factory premises of the respondent, being not yet complete and the manufacturing work having not yet admittedly started no industry can be said to have come in existence in the area of the State of Haryana, and the Haryana Government is not competent to refer the dispute to the Industrial Tribunal in view of the provisions of section 2 (a) and 2 (j) of the Act and that the dispute referred being not in respect of a workman employed in an industry, the reference is otherwise bad in law. I, therefore, decide this issue in favour of the management.

Issue No. 2

The management took the plea in respect of unmaintainability of the reference by way of second written statement filed by them in reply to the amended statement of claim brought on record by the workman after the remand of the case by the Hon'ble of the High Court on acceptance of the Writ Petition of the management filed against an award dated 31st December, 1970 of this Tribunal. The failure of the management in taking the plea covered by issue No. 1 initially in the first written statement, does not legally debar them from taking this plea in the subsequent written statement, particularly when the workman himself had filed an amended statement of claim after the remand order. I, therefore, decide this issue against the workman.

Issue No. 3

Shri S. S. Kohli, Works Manager and Shri L. N. Chopra, Managing Director both deposed that the workman had been dismissed by the later competent to do so and the former only conveyed the order to the workman. I see no reason to disbelieve these witnesses and as such relying on their evidence decide this issue against the workman.

Issue No. 4

No enquiry was admittedly held by the management in respect of the charges of the misconduct levelled against the workman. There is no direct evidence on record in respect of the assault alleged to have been made by the workman on one Shri Ravi, Assistant Manager on the night of 23rd October, 1969. The solitary uncorroborated testimony of Shri S. S. Kohli that the workman brought Shri Rajinder in side the premises of the factory during night in September, 1969 and supplied him with a lathi is not sufficient to bring home the charges of misconduct to the workman particularly when the copy of the certified standing orders of the management is not on record. There is otherwise no trustworthy evidence on record justifying the evidence in favour of the management on this issue. I, therefore, decide this issue against the management.

Issue No. 5

There is not an iota of evidence on record in favour of the workman that he had not been gainfully employed after the date of termination of his services, so much so, he himself did not make a statement on this issue. I, therefore, in absence of any evidence decide this issue against the workman.

In view of my findings on the aforesaid issues, I hold that the reference having not been made by the appropriate Government and being not in respect of an industrial dispute concerning any industry carried on in the area of the State of Haryana, is unmaintainable and bad in law, and the dispute as referred can not be adjudicated and the workman is not entitled to any relief.

Dated the 20th October, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No 12379-4Lab-75/32493.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s (1) Primary Land Mortgage Bank Ltd., Gurgaon ; (2) Haryana State Co-operative Land Mortgage Bank Ltd., Chandigarh.

**BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD**

Reference No. 130 of 1973

between

**SHRI DHARAM PAL SINGH PANWAR, WORKMAN AND THE MANAGEMENT OF M/S (1) PRIMARY
LAND MORTGAGE BANK LTD., GURGAON, (2) HARYANA STATE CO-OPERATIVE LAND
MORTGAGE BANK LTD., CHANDIGARH**

AWARD

By order No. ID/GG/146-A-73/32102, dated 9th July, 1973 the Governor of Haryana, referred the following dispute between the management of M/s (1) Primary Land Mortgage Bank Ltd., Gurgaon ; (2) Haryana State Co-operative Land Mortgage Bank Ltd., Chandigarh and its workmen Shri Dharam Pal Singh Panwar to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Dharam Pal Singh Panwar is justified and in order ? If not, to what relief is he entitled ?

The parties appeared before the Tribunal in response to the notices of the reference sent to them.

The workman alleged, *vide* statement of claim filed by him that he had been selected as a Land Valuation Officer in the State Co-operative Land Mortgage Bank Ltd., hereinafter referred to as the Mortgaged Bank,—*vide* Order, dated 16th August, 1967 and had been duly appointed on the said post,—*vide* order, dated 4th December, 1967 after he had undergone a full period of trainee successfully. He stated that he joined the service on 5th December, 1967 and was granted annual increment on 5th December, 1968 and had an unblemished record of service and that his services were abruptly terminated,—*vide* order, dated 14th March, 1969 by the respondent without sufficient cause and without assigning any reason. He averred that he duly replied a letter, dated 19th February, 1969 received by him from the management, calling his explanation in some of the matter mentioned therein.

The management filed a written statement whereby they while admitting the appointment of the workman probation and the termination of his services,—*vide* order dated 14th March, 1969 denied other allegations. They stated that the work of the petitioner Shri Dharam Pal Singh was found unsatisfactory and his explanation being taken, it was considered as unsatisfactory. It was finally given out that the executive committee of the Bank on consideration of his case found his work unsatisfactory and decided to terminate his services,—*vide* resolution No. 4, dated 10th March, 1969.

The workman reiterated the allegation made by him in the claim statement,—*vide* rejoinder filed by him and controverted the pleas of the respondent. He stated that even if he had been employed on probation, he could not legally be condemned unheard and that the termination of his services without grant of an opportunity to him to show cause against it was against principle of natural justice.

The pleas of the parties gave rise to the following issues framed by Shri O. P. Sharma, my learned predecessor,—*vide* his order, dated 9th January, 1974 :—

Whether the termination of services of Shri Dharam Pal Singh was justified and in order ? If not, to what relief is he entitled ?

Whereas the management examined Shri Daryao Singh, Inspecting Officer, Haryana State Land Mortgage Bank, Chandigarh M.W. 1, Shri Zila Singh, a Manager, Primary Land Mortgage Bank, Ballabgarh, M.W. 2, and Shri Hukam Singh, B.D.O., Thanesar, M.W. 3, the workman appeared as his own witness. The management also relied on documents Exhibit M-1 to M-16.

Before going into evidence led by the parties, I consider it essential to discuss and determine the legal aspect of the matter relating to the rights of the management to terminate the services of the workman employed on probation or on temporary basis.

It would be pertinent in this connection to state *in extenso* the observations of their Lordships of the Supreme Court made in AIR-1973 (SC)-2634, the management of Brooke Bond India (P) Ltd., appellant *versus* Y. K. Gautam as under :—

Brief Note. (A) Even in the case of a probationer whose services have been terminated before the expiry of the probationary period without assigning any reasons, in accordance with the terms of contract, an Industrial Tribunal can go into the question of the validity of the order of termination. What has to be seen is whether the action of the employer is *mala fide* or whether it amounts to victimisation of the employee or is an unfair labour practice, or is so capricious or unreasonable as would lead to the inference that it has been passed for ulterior motives and is not in bona fide exercise of the power arising out of the contract. AIR 1960 SC 1264 and AIR 1963 SC 806 and AIR 1966 SC 1051 Rel. on.

Held on the facts and circumstances of the case that the order of termination passed against the probationer salesman was capricious, unreasonable and not justified. Since the post held by him was not one of trust and it could not be said that the employer had lost confidence in him, the award of the tribunal reinstating him in service was justified. 1972 Lab. IC 1262 (SC), Distinguished.

It would thus appear from the observation made by the Hon'ble Judges of the Supreme Court in the aforesaid case and in an other case reported as Supreme Court Labour Judgement 1950-67 Vol. 5 page 2968, Howrah Mill Municipality. S. Mansa Dass Dey that an industrial Tribunal can go into the question of the validity of the termination of services even in cases of workman employed on probation and what have to seen was whether the action of the employer was malafide and whether it amounted to victimisation of the employee or as an unfair labour practice. The Industrial Tribunal could thus legally set aside the order of termination if it was found to be capricious or unreasonable as would lead to an inference that it had been passed with an ulterior motive and was not in bona fide exercise of the power arising out of the contract.

Applying the test as stated above it has not to be found with reference to the evidence led by the parties, if the order of termination of services of the workman, can be said to be mala fide amounting to his victimisation or as an unfair labour practice. The copy of the order of the appointment of the workman, Exhibit M-14, relied on by the management themselves, well establishes his appointment terminable on one month notice on temporary basis and not on probation. The security of the service of the workman under the circumstances is much more than that of a workman employed on probation.

Shri Darayo Singh M. W. 1 deposed that he while posted as Manager Primary Co-operative Land Mortgage Bank Ltd., Karnal, in the year 1968 received a complaint from B. D. O. Thansar, copy exhibit M-1 and that there upon called the explanation of the workman,—vide letter dated 20th August, 1968, copy Exhibit M-2. He added that Shri Dharam Pal Singh workman submitted his explanation Exhibit M-4 which was forwarded to the Secretary, Mortgage Bank, Chandigarh. Exhibit M-1 is the copy of the letter sent to Shri Darayo Singh by the B. D. O. Phansar. It bears an averment made by the B. D. O. that Shri Dharam Pal Singh was neither available to him nor to the Public and that he (B. D. O.) was facing difficulty to convince the aggrieved formers. Shri Darayo Singh, admittedly did not detect any irregularity or lapse in the working of Shri Dharam Pal Singh and his knowledge in respect of the absence of the workman had only been derived from the Block Development Officer. It would, however, be interesting to note that the contents of the letter Exhibit M-1 stand rebutted by the testimony of Shri Hukam Singh B.D.O. Phansar M.W. 3 the author of the letter. He for instance admitted that Shri Dharam Pal Singh was as good worker as other Land Valuation Officers and that he was satisfied with his work. He admitted that Shri Dharam Pal Singh was regular in his work and when not available, he tendered his explanation that he was busy in field work. He admitted that he was fully satisfied with the explanation tendered by the workman. As regards another complaint dated 21st June, 1968, Exhibit M-11 made by this witness to the Secretary Mortgage Bank, Chandigarh, in respect of embezzlement by the latter of a sum of Rs 142.50 collected by him from Amar Singh. He admitted that he had been told subsequently that the amount collected by the workman had been deposited by him subsequently. Shri Amar Singh alleged to have made a complaint to Shri Hukam Singh was not examined.

It is thus crystal clear that the evidence of Shri Hukam Singh is of secondary nature and in absence of the primary evidence his statement has no value. We are thus now left with the testimony of Shri Zila Singh, Manager, Primary Land Mortgage Bank, Ballabgarh, who happened to be posted in Gurgaon during December, 1968, when Shri Dharam Pal Singh happened to work under him. He made a statement in general terms that he found the work of Shri Dharam Pal Singh to be unsatisfactory and that he called for his explanation,—vide letter, dated 5th December, 1968, copy Exhibit M-5 and letter, dated 19th February, 1969, copy Exhibit M-6. He did not make a direct statement in respect of the allegations made by him in letters Exhibit M-5 and M-6 and his statement generally made that he called for explanation of Shri Dharam Pal Singh,—vide letters Exhibit M-5 and M-6, without telling the facts and instances that came to his notice, has no evidentiary value. He admitted that the workman had submitted his explanation which was considered by the Managing Committee of the Primary Land Mortgage Bank, Gurgaon and found to be unsatisfactory.

This is all the evidence relied on by the management to establish the unsatisfactory record of service of the workman, amounting to misconduct and justifying the order of the termination of his services. Having dealt with each item of the evidence, I have not the least hesitation in holding that it does not substantiate the allegations in respect of the unsatisfactory nature of the work of Shri Dharam Pal Singh. It is admitted that no enquiry was held against him on such a charge.

On further consideration I find on record inherent documentary evidence leading to a conclusion that the order of termination was mala fide and amounted to the victimisation of the employee and an unfair labour practice on the part of the management. For instance the resolution Exhibit M-7 dated 10th March, 1969, passed by the executive committee of the Mortgage Bank, Chandigarh, only provided without them stating reasons thereof that the services of Shri Dharam Pal Singh were no more required and were terminated forthwith as per term of his appointment. It is in other words did not indicate the material taken into consideration by the executive committee for taking the decision. The resolution No. 2 dated 15th March, 1969, Exhibit M-10 passed by the Managing Committee of the Gurgaon Primary Land Mortgage Bank only provided for reference of the case of the workman with the copy of the charge-sheet and his reply considered by the committee to be unsatisfactory, to Haryana State Land Mortgage Bank, Chandigarh. I am at a loss to understand as to how could the reference to the Head Office be of a date subsequent to the date of resolution No. 4 passed by the executive committee of the

Mortgage Bank on 10th March, 1969. This anomaly leads to the conclusion beyond doubt that the resolution No. 4 dated 10th March, 1969 was passed by the executive committee of the Mortgage Bank Chandigarh without there being any material before them unjustifiably and that it was not only arbitrary but *mala fide*, capricious, amounting to victimisation of the workman and an unfair labour practice. I am further satisfied that this resolution had been passed for ulterior motive and not in bonafide exercise of the powers arising out of contract.

There is yet another instance in respect of the capricious nature of the order of termination of services of the workman. I find from the perusal of the order of the Joint Registrar Co-operative Societies Haryana made by him on consideration of the relevant document that Shri Dharam Pal Singh was reported to be an honest worker *vide* D.O. dated 1st January, 1969 and was allowed increment on 5th December, 1968 only a short while before the termination of his services. The allegation made against him,—*vide* letter dated 5th December, 1968, and 29th February, 1969 are manifestly false and it can not be imagined that the worker who had put in service for full period of one year honestly and satisfactorily required to be otherwise all of a sudden immediately thereafter. This is another instance of the order of termination being made for extraneous reasons.

The tests laid down by the Hon'ble Supreme Court from time to time as a guide for the subordinate courts for determination of the justifiability of the order of the termination of the services render the impugned order as unjustified entitling the workman to the necessary relief following therefrom. I, therefore, decide the issue against the management and hold that the order of termination of the services of the workman was unjustified and that he is entitled to be reinstated with continuity of service. In absence of any evidence for the workman on record that he had not been gainfully employed during the intervening period, or any issue on the point I direct that he shall be entitled to his full back wages conditional on proof of his remaining not gainfully employed during the period from 14th March, 1969 till the date of publication of the award in the Haryana Government Gazette.

The 22nd October, 1975

MOHA J LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

P. P. CAPRIHAN,

Commissioner and Secretary to Government,
Haryana, Labour and Employment Departments.

IRRIGATION DEPARTMENT

The 24th October, 1975

No. 764/1-L.—Whereas the Governor of Haryana is satisfied that the land specified below is needed urgently by the Government, at public expenses, namely, for the construction of Nigana feeder R.D. 0 to 91950 taking off R. D. 88000 Right Jui Feeder in village Mitathal, Ghuskani, Tigri, Tigrana, Prem Nagar (Khosra) Loharu Jatan, Sai, Taga, Balyali, Dang Khurd, Dang Kalan, Biran Sagban, Rewasa, Kharkhari, Sohan Intehsil Bhawanl Khera and Bhiwani, district Bhiwani, for which notification has been issued under sub-section (4) of section 17 read with clause (c) of sub-section (2) of section 17 of the said Act and published,—*vide* Haryana Government notification No. 210/1-L, dated 2nd April, 1975 in *Haryana Government Gazette*, Part I, dated 5th August, 1975, it is hereby declared that the land described in the specification below is required urgently for the above purpose.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 for the information of all to whom it may concern.

The plans of the land may be inspected in the offices of Land Acquisition Collector, P.W.D., Irrigation Department, Ambala and the Executive Engineer, B. N. C. Feeder Division, Hissar.

SPECIFICATIONS

District	Tehsil	Name of Village	Area in Acres	Boundary
				A strip of land measuring 91,950 feet in length and varying in width in comprising of part field Nos. given as under :
Bhiwani	Bhiwani	Mitathal	22.07	73
24, 23, 22, 21, 20, 19, 18, 17, 16, 15				

District	Tehsil	Name of Village	Area in Acres	Boundary		
Bhiwani	Bhiwani	Mitathal— Concl'd.	22.07— Concl'd.	87	74	82
				4, 3, 2	25, 24, 23, 22, 21	25, 24/2, 24/1
				86	83	
				10, 9, 8, 7/1, 5, 4, 3, 1, 2	25, 24, 23, 22, 21, 16	
				85	84	
Do	Do	Ghuskani	9.23	15, 14, 13, 12, 11, 8, 7, 6	22, 21, 20, 19,	
				84	107	108
				18, 17, 16, 15	2/1, 1	10, 9, 5, 4/2, 4/1, 3, 2
				20	19	
				25, 24	21, 20, 19, 18, 13, 12	
Do	Do	Tigri	26.90	24		
				14, 13, 12, 11, 9/2, 8, 7, 6		
				20	19	
				25, 24	21, 20, 19, 18, 13, 12	
				24	23	
Do	Do	Tigrana	6.23	14, 13, 12, 11, 9/2, 8, 7, 6	18, 16/1, 15, 14, 13	
				51	50	
				25, 24, 23, 22, 21, 16	21/1, 20, 19, 18	
				66		
				15, 14, 13, 12, 11, 8, 7, 6, 20, 19		
Do	Do	Tigrana	6.23	67	56	
				10, 9, 8, 7, 5, 4, 3, 2	24, 23, 22, 21	
				65		
				19, 18, 17, 16, 15, 14, 13, 12, 11		
				63	64	
Do	Do	Tigrana	6.23	6, 5, 4, 3	15, 10, 9, 8, 7, 6, 2, 1	
				60	57	
				2/1	20, 19/1, 18, 17, 16, 13, 12, 11	
				58		
				20, 19/2, 19/1, 18, 17, 16, 15, 14, 13		
Do	Do	Tigrana	6.23	59		
				25/1, 24, 23, 22, 17, 16		
				12	11	
				11, 10	18/1, 17, 15, 14, 13, 6	
				18		
Do	Do	Tigrana	6.23	9, 8, 7, 6/1, 5, 4		

District	Tehsil	Name of Village	Area in Acres	Boundary
Bhiwani	Bhiwani	Prem Nagar (Khosra)	23.13	17 10, 1 88/1, 92/1, 90, 106/1, 127/1, 126, 349, 341, 374, 340, 86/1, 87/1, 485/1, 384/1, 351/1, 348, 347, 356/1, 490, 488, 489, 514, 487, 303/2, 303/3, 285/1, 248/286, 287/1, 226, 225/1, 339, 304, 303/1, 278/1, 233, 237, 231, 232/1, 288, 282, 283, 280/1, 279, 57, 56, 49/1, 48, 75, 74/1
Do	Bawani Khara	Lohari Jatan	13.22	266 20, 19/1, 18/1, 17/1, 16/1, 15 267 263 20/1/2, 19/1/1, 18/1, 13, 12, 11 265 25/2, 24/2, 23/1, 22/1, 21, 19, 18, 17, 16 272 264 3/1, 2/1, 1/1/1 25/4, 25/3, 25/2, 264 25/1, 24/2/1, 24/1/1, 23, 22/2, 22/1, 21 273 274 5/1, 4/1, 3/1, 2/1, 1/2/1, 1/1 8, 7/1, 6/1, 5, 4, 3 46 7 20/1, 11 10/1, 9/2/1, 9/1/1, 8/1, 2/1, 1 47 8 23, 17, 25/1, 24/1, 16/1 11/2/1, 10/2, 9/2/1, 8 9 8/1, 7/2/2, 7/1/1, 6/1 20/1, 15/1, 14/1, 13/1, 9 49 12/1, 11/1, 8, 7, 6 11/1, 10/1, 9/1, 3/1, 2 48 23/1, 22, 18, 17/1, 16/1, 15, 14, 6 80 79 15/1, 6/1 10, 2/1, 1/1 13 4 11, 10, 9, 8, 3, 2 25/1, 24, 23, 16 12 19 24/1, 23, 17/1, 17/2, 16, 15 1, 2, 3 20 27 19, 18, 17, 16, 15, 14, 13, 6, 21, 23, 22 1/1 26 21, 20, 19, 13, 12, 8, 7, 6, 5, 4
Do	Ditto	Sai	16.56	5/1, 4/1, 3/1, 2/1, 1/2/1, 1/1 8, 7/1, 6/1, 5, 4, 3 46 7 20/1, 11 10/1, 9/2/1, 9/1/1, 8/1, 2/1, 1 47 8 23, 17, 25/1, 24/1, 16/1 11/2/1, 10/2, 9/2/1, 8 9 8/1, 7/2/2, 7/1/1, 6/1 20/1, 15/1, 14/1, 13/1, 9 49 12/1, 11/1, 8, 7, 6 11/1, 10/1, 9/1, 3/1, 2 48 23/1, 22, 18, 17/1, 16/1, 15, 14, 6 80 79 15/1, 6/1 10, 2/1, 1/1 13 4 11, 10, 9, 8, 3, 2 25/1, 24, 23, 16 12 19 24/1, 23, 17/1, 17/2, 16, 15 1, 2, 3 20 27 19, 18, 17, 16, 15, 14, 13, 6, 21, 23, 22 1/1 26 21, 20, 19, 13, 12, 8, 7, 6, 5, 4
Do	Ditto	Taga	14.71	15/1, 6/1 10, 2/1, 1/1 13 4 11, 10, 9, 8, 3, 2 25/1, 24, 23, 16 12 19 24/1, 23, 17/1, 17/2, 16, 15 1, 2, 3 20 27 19, 18, 17, 16, 15, 14, 13, 6, 21, 23, 22 1/1 26 21, 20, 19, 13, 12, 8, 7, 6, 5, 4

District	Tehsil	Name of Village	Area in acres	Boundary.		
Bhiwani	Bawani Khera	Taga— Concl'd.	14.71— Concl'd.	36	25	
				12/1, 9, 8, 5, 4, 3	25, 24	
Do	Do	Balyali	8.60	453	452	
				22, 17, 16, 25, 24, 23	21, 20, 19, 18, 17, 14, 13	
				457	456	
				6, 5, 10, 9, 8, 7, 4, 3	15, 14, 8, 7, 6, 13	
				458		
				3, 2 1/2, 2 1/4, 1		
Do	Do	Dang Khurd	23.97	58	59	
				20, 19, 18, 17 1/2, 16 1/4, 15, 14, 13	13, 12, 11	
				62	57	81
				20, 19, 13, 12, 11, 9, 8, 3, 4, 21	25 1/4, 24	1 1/4
				74	82	
				22, 21, 19, 13, 12, 8, 7, 5 1/4, 4	23, 22, 21, 19,	
				82	89	90
				18, 14, 13, 7, 6, 5	25 1/4, 24	21 1/4, 20,
				90	91	99
				19, 18, 14, 13, 7, 6	10 1/2, 1	18, 17 1/2,
				99	98	
				15, 14, 22, 21, 19, 23	11 1/4, 11 1/2, 10 1/4, 9, 8 1/2,	
				98	102	101
				5 1/4, 4, 3	1 1/4	5
Do	Do	Dang Kalan	20.34	104	85	25
				10, 2 1/4, 1	13, 12, 11, 9, 8, 7, 5, 4	
				103	86	
				21, 20, 19, 14, 13, 12, 7, 6	24, 23, 22, 18, 17,	
				86	108	102
				16, 15	11, 10, 9, 8, 4, 3	25 1/4, 24
				111	112	
				20, 19, 18, 13, 12, 11 1/2, 11 1/4	20 1/4, 19, 18, 17,	
				112		
				16, 15, 14 1/2, 13 1/4, 11 1/2, 12 1/2, 11 1/4		
				113		
				20 1/4, 19 1/4, 18 1/4, 17 1/4, 16 1/4, 15, 14, 13		
				115	114	
				5, 4	17, 16, 15, 14, 13, 10, 9, 8, 1	

District	Tehsil	Name of Village	Area in acres	Boundary
Bhiwani	Bhiwani	Biran	6.56	<div>27</div> <div>26</div> <div>15, 14, 20, 19, 18, 17, 16/1</div> <div>11</div> <div>29</div> <div>28</div> <div>17, 16, 15, 14</div> <div>20, 19, 18, 17, 16</div> <div>212</div> <div>17/1, 16/1, 15, 14, 13/2, 13/1, 12, 11, 20/1, 19/1,</div> <div>212</div> <div>211</div> <div>215</div> <div>18/1</div> <div>17, 16, 15</div> <div>3, 4/1</div> <div>213</div> <div>24, 23, 22/2, 20, 19, 18/2, 11</div> <div>2</div> <div>3</div> <div>16, 25, 24, 17, 23, 18, 19, 20</div> <div>19, 25, 24, 23,</div> <div>3</div> <div>4</div> <div>6</div> <div>22, 21, 20</div> <div>25, 24, 23, 22, 21</div> <div>23, 18, 22,</div> <div>6</div> <div>5</div> <div>19, 21, 20, 25, 16, 24, 17</div> <div>25, 24, 23, 22, 21</div> <div>7</div> <div>25, 24, 23, 22, 21, 20, 19, 18, 17, 16</div> <div>8</div> <div>139, 472, 1186, 1185, 264</div> <div>23, 22, 21, 20, 19, 18</div>
Do	Do	Sagban	5.42	
Do	Do	Riwasa	21.07	
Do	Do	Kharkhari Sohan	15.01	<div>86</div> <div>9, 8/3, 8/2, 8/1, 7/2, 7/1, 4, 5, 3, 21, 20/1, 19, 13,</div> <div>86</div> <div>87</div> <div>115</div> <div>77</div> <div>116</div> <div>12, 11</div> <div>25</div> <div>7, 5, 4</div> <div>25, 16</div> <div>1</div> <div>78</div> <div>21, 20, 19, 15, 14, 13, 12, 11</div> <div>80</div> <div>79</div> <div>19, 20</div> <div>20, 16/2, 16/1, 17, 18, 19, 12, 11, 13</div>
Total			233.02	<p>Generally lying in the direction of North-East to South-West as demarcated at site and as shown on the Index Plan.</p>

By order of Governor of Haryana.

Dr. G. P. MALHOTRA,
Superintending Engineer,
B. N. O. Canal Circle No. 2,
Hissar (Haryana).